

REMARKS

In the Final Office Action, the Examiner rejects claims 26-29, 35-43, 45-48 and 51-54 under 35 U.S.C. § 103(a) as unpatentable over LAXMAN (U.S. Pub. No. 2003/0091032) in view of BENNAI (U.S. Pub. No. 2002/0031112); rejects claims 30-34 and 49-50 under 35 U.S.C. § 103(a) as unpatentable over LAXMAN and BENNAI and further in view of ABEL (U.S. Patent No. 6,950,426); and rejects claim 44 under 35 U.S.C. § 103(a) as unpatentable over LAXMAN and BENNAI and further in view of LAMPOLA (U.S. Patent Pub. No. 2003/0016681).

Applicants respectfully traverse these rejections.¹ Claims 26-54 remain pending.

Claims 26-29, 35-43, 45-48 and 51-54 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over LAXMAN in view of BENNAI. Applicants respectfully traverse this rejection.

Independent claim 26 is directed to a method comprising receiving, via a first network access device, a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocol; encapsulating the content portion and the signaling portion of the communication via the first network access device to provide a plurality of respective content packets and signaling packets; transmitting the signaling packets from the first network access device to a control component via the data network; establishing, via the control component, a connection within the data network between the first network access device and a

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such in the future.

second network access device in response to receiving the signaling packets; and communicating the content packets from the first network access device to the second network access device over the established connection. Applicants respectfully submit that LAXMAN and BENNAI, whether taken alone or in combination, do not disclose or suggest this combination of features.

For example, LAXMAN and BENNAI do not disclose or suggest receiving, via a first network access device, a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocol, as recited in claim 26. The Examiner admits that LAXMAN does not disclose this feature (Office Action pg. 4). The Examiner relies on section [11] of BENNAI (Office Action pg. 4) for allegedly disclosing this feature. Applicants respectfully disagree with the Examiner's interpretation of BENNAI.

Section [11] of BENNAI recites:

In this case, the invention exploits the existence in the QSig-GF protocol of a particular kind of availability referred to as a "FACILITY" message and enabling any type of information to be transmitted within a FACILITY message, whilst still complying with a form of encapsulation specific to the QSig-GF standard. The invention therefore starts by setting up a call with no B channel between the two exchanges connected by a QSig-GF link. This call with no B channel can then be used to enable the two exchanges to interchange FACILITY messages relating to the call on the D channel and therefore to encapsulate signaling messages with a header corresponding to the QSig-GF standard.

This section of BENNAI teaches applying a QSIG-GF standard header to encapsulate a received signal. The protocols of the received signals in BENNAI are ISDN protocol signals, not QSIG protocol signals. As recited in section [7] of BENNAI, "The invention solves this problem by converting the signaling data produced by the exchange in the standard ISDN format into signaling data in a format accepted by the channel." As BENNAI does not actually receive QSIG access protocol signals, BENNAI cannot disclose or suggest receiving, via a first network

access device, a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocol, as recited in claim 26.

LAXMAN and BENNAI also do not disclose or suggest encapsulating the content portion and the signaling portion of the communication via the first network access device to provide a plurality of respective content packets and signaling packets, as recited in claim 26. The Examiner admits that LAXMAN does not disclose this feature (Office Action pg. 4). The Examiner relies on section [28] of BENNAI (Office Action pg. 4) for allegedly disclosing this feature. Applicants respectfully disagree with the Examiner's interpretation of BENNAI.

Section [28] of BENNAI recites:

FIG. 2 shows similar elements to FIG. 1, but for the QSig-GF protocol, which does not conform to the ISDN standard either. The figure also shows the exchange 1 in a little more detail. The exchange includes a microprocessor 21 connected by a bus 22 to the units 2-3, a QSig-GF format interface 23 and a program memory 24 containing in particular a program for formatting messages to the format conforming to the QSig-GF standard. The same applies to FIG. 1 with regard to the UDP-IP standard. The program 24 provides a particular mode of use including a call request procedure, a connection procedure, a procedure for sending free messages (FACILITY messages) and a disconnection procedure. In accordance with the invention, the microprocessor 21 launches a working session of the interface 23 so that it calls the exchange 6 by setting up a call with no B channel, connects to it and remains connected to it. Automatic disconnection time-outs are eliminated if necessary. The call set up with no B channel is set up via the D channel of the QSig-GF bundle. It is referred to as a support call. In accordance with the invention, FACILITY messages are sent on the D channel by encapsulating the ISDN signaling (SAPI S and SAPI P messages) in FACILITY messages carried by the support call. FACILITY messages are exchanged between the exchange 1 and the exchange 6 transparently. The transfer can continue for as long as the support call is active. (emphasis added)

This section of BENNAI teaches encapsulating ISDN signals with QSIG type headers. This section of BENNAI does not disclose or suggest encapsulating QSIG signals. As set forth above, the recited content portion and signaling portions of the received communication are

defined to be in QSIG access protocols. Therefore, as BENNAI does not receive a communication comprising a content portion and a signaling portion in accordance with a QSIG access protocols, BENNAI cannot disclose or suggest encapsulating the content portion and the signaling portion of the communication via the first network access device to provide a plurality of respective content packets and signaling packets, as recited in claim 26.

For at least the foregoing reasons, Applicants submit that claim 26 is patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination.

Claims 27-28 depend from claim 26. Applicants submit that these claims are allowable for at least the reasons as set forth above.²

Independent claim 29 recites features similar to, but of different scope than, claim 26. For reasons similar to those discussed above with respect to claim 26, Applicants submit that claim 29 is patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination. Accordingly, withdrawal of the rejection and allowance of claim 29 are respectfully requested.

Independent claim 35 recites features similar to, but of different scope than, claim 26. For reasons similar to those discussed above with respect to claim 26, Applicants submit that claim 35 is patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination. Accordingly, withdrawal of the rejection and allowance of claim 35 are respectfully requested.

² As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to the dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

Claims 36-39 depend from claim 35. Applicants submit that these claims are allowable for at least the reasons as set forth above.

Independent claim 40 recites features similar to, but of different scope than, claim 26. For reasons similar to those discussed above with respect to claim 26, Applicants submit that claim 40 is patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination. Accordingly, withdrawal of the rejection and allowance of claim 40 are respectfully requested.

Claims 41-43 depend from claim 40. Applicants submit that these claims are allowable for at least the reasons as set forth above.

Independent claim 45 recites features similar to, but of different scope than, claim 26. For reasons similar to those discussed above with respect to claim 26, Applicants submit that claim 45 is patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination. Accordingly, withdrawal of the rejection and allowance of claim 45 are respectfully requested.

Claims 46-48 depend from claim 45. Applicants submit that these claims are allowable for at least the reasons as set forth above.

Independent claim 51 recites features similar to, but of different scope than, claim 26. For reasons similar to those discussed above with respect to claim 26, Applicants submit that claim 51 is patentable over LAXMAN and BENNAI, whether taken alone or in any reasonable combination. Accordingly, withdrawal of the rejection and allowance of claim 51 are respectfully requested.

Claims 52-54 depend from claim 51. Applicants submit that these claims are allowable for at least the reasons as set forth above.

Claims 30-34 depend from claim 29 and are rejected under 35 U.S.C. § 103(a) as being unpatentable over LAXMAN and BENNAI and further in view of ABEL (U.S. Patent No. 6,950,426). The disclosure of ABEL does not remedy the deficiencies in the disclosures of LAXMAN and BENNAI discussed above with respect to claim 29. Therefore, Applicants submit that claims 30-34 are allowable for at least the reasons as set forth above with respect to claim 29.

Claim 44 depends from claim 40 and is rejected under 35 U.S.C. § 103(a) as being unpatentable over LAXMAN and BENNAI and further in view of LAMPOLA (U.S. Pub No. 2003/0016681). The disclosure of LAMPOLA does not remedy the deficiencies in the disclosures of LAXMAN and BENNAI discussed above with respect to claim 40. Therefore, Applicants submit that claim 44 is allowable for at least the reasons as set forth above with respect to claim 40.

Claims 49-50 depend from claim 45 and is rejected under 35 U.S.C. § 103(a) as being unpatentable over LAXMAN and BENNAI and further in view of ABEL (U.S. Patent No. 6,950,426). The disclosure of ABEL does not remedy the deficiencies in the disclosures of LAXMAN and BENNAI discussed above with respect to claim 45. Therefore, Applicants submit that claims 49-50 are allowable for at least the reasons as set forth above with respect to claim 45.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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Date: August 24, 2006

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